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**OFFICIAL**S/N 09/655,543PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	KUPPER et al.	Examiner:	ELLEN M. MCAVOY
Serial No.:	09/655,543	Group Art Unit:	1764
Filed:	09/06/2000	Docket No.:	163.1399US01
Title:	USE OF LUBRICANTS BASED ON POLYSILOXANES		

**TERMINAL DISCLAIMER TO OBLIGATE**  
**A DOUBLE PATENTING REJECTION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Petitioner, Ecolab Inc., a corporation organized and existing under the laws of the State of Delaware and having its primary place of business at Ecolab Center, St. Paul, Minnesota 55102, in the county of Ramsey, and the state of Minnesota represents that it is the owner of the entire right, title and interest in U.S. Patent Application Serial No. 09/655,543, filed on September 6, 2000 and entitled USE OF LUBRICANTS BASED ON POLYSILOXANES, by virtue of our assignment recorded at Reel 012739, Frame(s) 0718. Attached herewith is a Certificate under 37 C.F.R. § 3.73(b) establishing Ecolab's right as assignee to take action.

Petitioner, Ecolab Inc., hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term of U.S. Patent Nos. 6,207,622 (Li et al.) issued March 27, 2001; 6,427,826 (Li et al.) issued August 6, 2002; 6,495,494 (Li et al.) issued December 17, 2002; 6,509,302 (Li et al.) issued January 21, 2003 and 6,673,753 (Li et al.) issued January 6, 2004, and hereby agrees that any patent so granted on the above-identified application

shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent Nos. 6,207,622; 6,427,826; 6,495,494; 6,509,302; and 6,673,753 this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors, or assigns.

In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the full statutory term as presently shortened by any terminal disclaimer of United States Patent Nos. 6,207,622; 6,427,826; 6,495,494; 6,509,302; and 6,673,753 expire for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims cancelled by a reexamination certification, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above. For submissions on behalf of an organization (e.g. corporation, partnership, university, government agency, etc.), the undersigned (whose title is supplied below) is empowered to act on behalf of the organization. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date:

22 June '04

Mark DiPietro  
Mark DiPietro  
Attorney of Record



**THE STATEMENT BELOW IS FOR OFFICE USE ONLY**

In accordance with the decision granting the petition filed on \_\_\_\_\_, \_\_\_\_\_, this terminal disclaimer is accepted. The period of patent lapse specified above has been accepted as equivalent to \_\_\_\_\_ months.

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Pctitions Examiner